

AF/IFW 3632

PTO/SB/21 (04-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/733,691	
	Filing Date	December 07, 2000	
	First Named Inventor	Jeffrey D. Carnevali	
	Art Unit	3632	
	Examiner Name	Gwendolyn Wrenn Baxter	
Total Number of Pages in This Submission	3	Attorney Docket Number	NPI-885-001

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): 2 pages Request for reconsideration of Petition to Make Special 1 Return Receipt Postcard
RECEIVED JAN 10 2005 OIP E/SCS		

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Charles J. Rupnick (Reg. No.: 43,068)
Signature	
Date	January 7, 2005

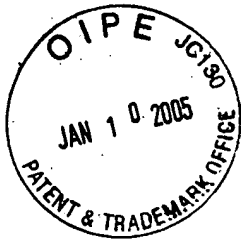
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Charles J. Rupnick		
Signature		Date	January 7, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



CERTIFICATE OF MAILING

Date of Deposit: January 7, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service under 37 CFR § 1.8 with sufficient postage as First Class mail on the date indicated above in an envelope addressed to:

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Charles J. Rupnick

(Typed or printed name of person mailing)

(Signature of Person Mailing)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 09/733,691 Confirmation No.: n/a

Inventor(s) : Jeffrey D. Carnevali

Filed : December 07, 2000

TC/A.U. : 3632

Examiner : Gwendolyn Baxter

Docket No. : NPI-885-001

Customer No. : 24692

Mail Stop: Technology Center 3600

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Request for Reconsideration of Dismissal of

Petition to Make Special Under 37 C.F.R. § 1.102

Sir:

The instant paper is a Request for Reconsideration of Dismissal mailed on December 22, 2004, and again on December 28, 2004, of a petition to make the present application special on grounds other than those referred to in 37 C.F.R. § 1.102 paragraph (c) and is accompanied by the fee set forth in § 1.17(h).

The Applicant filed a petition on November 8, 2004, that the present application be made Special for advancing the application out of turn for examination or for further action because of actual infringement.

5 The petition was Dismissed on the grounds that the application file was reviewed, and no copies provided by the applicant of the most closely related art were located.

The applicant previously stated that the applicant had previously provided one copy of each of the references deemed most closely related to the subject matter encompassed by the claims such that said references are already of record.

10 In making such statement, the applicant relied upon the references made of record in the original application upon which the present reissue application is based being likewise made of record in the present reissue application. Such reliance was based upon the Examiner's review of the original patent file wrapper having the known prior art references therein, as detailed in MPEP §1418, second paragraph.


15 However, in the interest of advancing examination of the instant reissue application, the applicant on this date filed a Request For Continued Examination (RCE) in the present reissue application, including an "Information Disclosure Statement by Applicant" filed therewith listing the prior art references made of record in the original patent, which the applicant believes is a complete listing of the references deemed most closely related to the subject matter encompassed by the claims, and including a copy of each of the listed references. The Information Disclosure
20 Statement further disclosing pending infringement litigation regarding the original patent.

Accordingly, reconsideration of the Petition to Make Special is respectfully requested, and advancement of the application is respectfully requested.

If the Examiner has questions or wishes to discuss any aspect of the case, the Examiner is encouraged to contact the undersigned at the telephone number given below.

25 Respectfully submitted,

Attorney:


Charles J. Rupnick
Registration No.: 43,068
Date: January 7, 2005
Phone Number: (206) 439-7956

30